



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,844	04/08/2005	Susanne Leonhartsberger	Leonhartsberger	3625

25889 7590 06/05/2006

WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

EXAMINER

RAGHU, GANAPATHIRAM

ART UNIT PAPER NUMBER

1652

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/530,844	Applicant(s) LEONHARTSBERGER ET AL.	
	Examiner Ganapathirama Raghu	Art Unit 1652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-9 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-9 are pending in this application.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I. Claims 1-9 are drawn to a homoserine transsuccinylase which as compared to wild-type enzyme exhibits a reduced sensitivity to L-methionine or SAM, said polypeptide exhibits a change of at least 2-10 amino acids between the position 285 and 310 of the enzyme as compared with the wild-type enzyme, encoded by polynucleotide with SEQ ID NO: 1 and coding for the corresponding polypeptide of SEQ ID NO: 2, vector, host cell (preferably *E.coli*) and method of making the polypeptide and the method of making L-methionine or SAM.

Group II. Claims 1-9 are drawn to a homoserine transsuccinylase which as compared to wild-type enzyme exhibits a reduced sensitivity to L-methionine or SAM, said polypeptide exhibits a change of at least 2-10 amino acids between the position 285 and 310 of the enzyme as compared with the wild-type enzyme, encoded by polynucleotide with SEQ ID NO: 7 and

Art Unit: 1652

coding for the corresponding polypeptide of SEQ ID NO: 8, vector, host cell (preferably *E.coli*) and method of making the polypeptide and the method of making L-methionine or SAM.

Group III. Claims 1-9 are drawn to a homoserine transsuccinylase which as compared to wild-type enzyme exhibits a reduced sensitivity to L-methionine or SAM, said polypeptide exhibits a change of at least 2-10 amino acids between the position 285 and 310 of the enzyme as compared with the wild-type enzyme, encoded by polynucleotide with SEQ ID NO: 9 and coding for the corresponding polypeptide of SEQ ID NO: 10, vector, host cell (preferably *E.coli*) and method of making the polypeptide and the method of making L-methionine or SAM.

Group IV. Claims 1-9 are drawn to a homoserine transsuccinylase which as compared to wild-type enzyme exhibits a reduced sensitivity to L-methionine or SAM, said polypeptide exhibits a change of at least 2-10 amino acids between the position 285 and 310 of the enzyme as compared with the wild-type enzyme, encoded by polynucleotide with SEQ ID NO: 11 and coding for the corresponding polypeptide of SEQ ID NO: 12, vector, host cell (preferably *E.coli*) and method of making the polypeptide and the method of making L-methionine or SAM.

The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The special technical features linking the inventions of Group I-IV appears to be that they all relate to a homoserine transsuccinylase which as compared to wild-type enzyme exhibits a reduced sensitivity to L-methionine or SAM preferably from *E.coli*.

However, Schlesinger S (J. Bacteriol., 1967, Vol. 94 (2): 327-332) disclose the properties of wild-type homoserine transsuccinylase and mutant enzymes isolated from *E.coli* (see last paragraph, Discussion section, page 331).

Therefore the special technical feature linking the inventions of Group I-IV does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art.

Accordingly, Groups I-IV are not so linked by the same or a corresponding special technical feature as to form a single inventive concept.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ganapathirama Raghu whose telephone number is 571-272-4533. The examiner can normally be reached on 8 am - 5.00 pm. If attempts to reach the examiner by

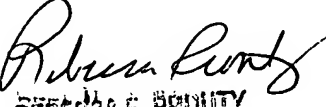
Art Unit: 1652

telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of the application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ganapathirama Raghu, Ph.D.
Patent Examiner
Art Unit 1652

May 21, 2006.


REBECCA E. PROUTY
PRIMARY EXAMINER
GROUP 1800
1600